

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DISK: BELSKI  
INDEX: #12

SEP 4 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

In Reply Refer To: 3HW14

Mr. Stanley J. Twardus  
Twardus & Sons  
1890 Pulaski Highway  
Bear, DE 19701

Re: The Army Creek Landfill and the Delaware Sand &amp; Gravel Landfill

Dear Mr. Twardus:

The Environmental Protection Agency (EPA) is seeking information concerning a release, or the threat of a release, of hazardous substances into the environment. Pursuant to the authority of Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9604(e), your company is requested to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its officers, employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). Specifically, the EPA is interested in hazardous substances which were transported to, or stored, or disposed of at the Army Creek Landfill, also known as the Liangollen Landfill or the Black Cat Landfill, and/or hazardous substances which were transported to or stored or disposed of at the Delaware Sand and Gravel Landfill, also known as the Delaware Sand and Gravel Company, Incorporated. The Army Creek Landfill is located approximately seven miles south of Wilmington in New Castle County, Delaware, just east of the intersection of United States Routes 13 and 40. The Delaware Sand and Gravel Landfill is also located in New Castle County, Delaware, just east of the Army Creek Landfill. A map is enclosed showing the location of the landfills. The Army Creek Landfill operated between the years 1960 and 1968. The Delaware Sand and Gravel Landfill operated between the years 1968 and 1976.

All information and documents requested are due to the address listed below within ten (10) calendar days of receipt of this letter.

S.BELSKI:lal:3HW14:8/21/85		CONCURRENCES				112-764	
SYMBOL	3HW14	3HW14	3HW10	3HW00			
SURNAME	BELSKI	RETAILLICK	SMITH	SCHRECONGOTT			
DATE	9/2/85	9/2/85	9/2/85	9/2/85			
EPA Form 1329-1 (10-70)							

OFFICIAL FILE COPY

U.S. GPO: 1987-407-053

The response should include, but not be limited to, information and documentation concerning:

1. The types and quantities of the hazardous substances sent or transported to the Army Creek Landfill and/or the Delaware Sand and Gravel Landfill;
2. The date(s) such substances were sent or transported to the Army Creek Landfill and/or the Delaware Sand and Gravel Landfill;
3. The state (i.e., liquid, solid, or gaseous) of the substances sent or transported to the Army Creek Landfill and/or the Delaware Sand and Gravel Landfill, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
4. Any correspondence between your company and any regulatory agencies regarding such substances;
5. Any correspondence between your company and any third party regarding such substances;
6. The identity of, and documents relating to, any other person who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, transportation, or disposal of such substances at the Army Creek Landfill and/or the Delaware Sand and Gravel Landfill;
7. Copies of any deeds, rights-of-way, leases, or other real interests which your company has in the Army Creek Landfill and/or the Delaware Sand and Gravel Landfill.

Please describe any documents that were maintained by your company of the transactions with the Army Creek Landfill and/or the Delaware Sand and Gravel Landfill including the date of the documents, the author of the documents, the current location of the documents and the current custodian, and all efforts that were taken to identify these documents.

As used herein, the term "documents" means writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or diary entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonorecords, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

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You are entitled to assert a claim of business confidentiality covering part of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

Please send the required information to:

Ms. Susan Belaski, Environmental Scientist  
U.S. Environmental Protection Agency, Region III  
CERCLA Removal Enforcement Section (3HW14)  
841 Chestnut Building, 6th Floor  
Philadelphia, PA 19107

If you have any questions concerning this matter, please contact Ms. Susan Belaski at (215) 597-6680.

Sincerely,

Stephen R. Wasseraug, Director  
Hazardous Waste Management Division

Enclosure(s): Location Map

cc: Robert J. Touhey, Director  
Delaware Department of Natural  
Resources and Environmental Control

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